# THE Order of keeping a Court Leet, and Court Baron,

with the charges appertayning to the ſame.

*Truely and plainely deliuered* in the Engliſh tongue, for *the profit of all men, and moſt commodious* for yong Students of the lawes, and all other within the iuriſdiction of thoſe Courts, with diuers new additions thereunto added.

Quicquid agas prudenter agas, & reſpice finem.

LONDON,
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*Cum Priuilegio Regiæ Maieſtatis.*

# ¶ THE ORDER of Court Leete and *Court Baron.*

FIrſt, there ſhalbe a Precept made by the Steward vnto the Bayliffe, to warne the Court by a reaſonable time: that is to ſay, ſixe or more dayes before the Court be kept, in ſuch forme as followeth: But it is the better, if warning be ſixteene dayes before, as it is in the Common Banke.

## The Precept.

Blackford. *A. B. generoſ. Seneſchall Manerij prædicti Ballino eiuſdem, Salutem. Tibi præcipio pariter & mando, quod diligenter præmonere facias omnes tenẽtes infra manerium prædictum, tam reſidentes quam non reſidentes, atque omnes tenentes Cuſtomarios Manerij prædict' quod ſint coram me in hac parte ſufficienter deputato apud Blackeford prædictam, die Iouis viceſſimo ſexto die Martij proxime futuro*

*post datum huius ad faciẽdam sectam suam, tam ad visum Franc' pleg. quam ad Curiã Baron' & oĩnia alia quæ eis incumbent, & pertinebunt, & hæc nullatenus omittas, Et habeas ibi hoc præceptum. Datum sub sigillo meo, decimo die huius mensis Martij, Annis regni Iacobi Dei gratia Angliæ, Franciæ, & Hibernie Regis, fidei defensor &c secundo, & Scotiæ tricessimo octauo.*

After that the Steward is set in the Court, he must first enter in writing the Title of the Court in the beginning of the Court Rolle, with the name of the place in such forme as followeth.

*The entrie of the Court Leete, and Court Baron.*

*Blackford.* VIsus Franc' pleg' cum Curia C. L. generosi Dñi eiusdem ibidem tenẽ die Iouis, videlicet, vicessimo sexto die Martij, Annis regni Domini nostri Iacobi Dei gratia Angliæ, Franciæ, & Hibernię Regis fidei defensoris &c. secundo, & Scotię tricessimo octauo, tenẽ per A. B. Seneschallum ibidem.

When that is done, the Steward shall cause the Baylife which serueth the Court, if it be in a Leete, to make Proclamations, that is to say, three Oyes: and if it be in a Court Baron, then but one, and after shall say as fol-

followeth.

All maner of persons which hav warning to appeare here this day, to serue the Kinges Maiestie for his Leete, and the Lord of the Mannour, for his Court now holden: Draw neere and giue your attendance, and euery one answere to his name as he shal be called, vpon paine and perill that may fall thereof.

And after all be called, and those that are absent be marked to be amerced, then the Steward shall cause againe (if it be in a Leete) to be made other three Oyes. Then after the three proclamations made, the Steward shall cause the Baylie to say.

If any will be Essoined, come in and you shall be heard.

And in a Court Baron, if any will be essoind, or enter any plaint, come in and you shal be heard: And then the Steward shall say, Essoines and proffers of suite and plee, three times, and in the end Essoines for this day.

Then if there be any person that hath any lawfull impediment that he cannot be here as he is bound, let one aske an Essoine for him (the Court sitting) to saue his default.

And then the Steward shall enter the Essoine in the Court Rolle, in this maner.

## The maner of entring the Essoines.

A. B. per C. D. essoniatur de cõi: Et sic de alijs.

Looke also if there be any Tenant in the Manour, that hath any action, or cause of action, sithence the last Court day: Let him put in his plaint the Court sitting, and it shall be entered.

Looke also if there be any Precepts, Attachments, or distrelles hanging in the Court Rolles, inquire of them openly in the Court, and know if the Baylie haue serued them.

Also if there be any old plaints hanging in the Court Rolle before this Court holden, cause the parties to be called, and before the Enquest be charged, know if the plaint shall passe by the Homage.

That done, th'enquest shall be impanelled: Then bid the Foreman lay his hand vpon the booke, and sweare him in forme following.

## The Oath of the Foreman.

Cause the Baylie to holde the booke vnto the partie or parties sworne, but the Steward shall giue the Oath.

You

YOu shall diligently enquire, and true presentment make of all such thinges as you shall be charged with, concerning as well the Kings Maiesties Leete, as the Lords Court of the Manour: You shall well & truely keepe * the Kinges counsell, your fellowes & your owne: you shall not conceale nor hide anie thing for fauour, feare, promise, or affection you beare to any person or persons, or present any thing for hatred or malice you beare to anie man: but you shal present & tell the truth, the whole truth, and nothing but the truth, so helpe you God, and by the contents of this booke. And this being done, cause him to kisse the booke.

* If the Court Baron be kept by it self, there shall be omitted in this oth these wordes, *the Kings Counsell*, for that is not the Kings Court, but the Leete is.

After the Foreman is sworne by himselfe, cause three or foure of th'enquest to lay their right handes together on the booke, and giue them their oath as followeth.

## The Oath of the rest of the Iurie.

ALl such oath as A. B. hath made before you on his behalfe, you & euery of you shall well & truely keepe on your behalfes: so help you God & by the contents of this booke.

And then cause euery one that is sworne, to kisse the booke.

And so in like maner sweare the rest.

After they be sworne, cause the Baylife to number them that be sworn, as the Steward doth read them.

## The Proclamation after the Oath taken.

Then make Proclamation and say thus. All you that be here sworne, draw neere and heare your charge, and all the rest keepe silence, vpon paine perill that shall come thereof. Before the charge, gather the common fine, which the Tenants doe pay euerie Leet, according to the custome of the Manor.

## The Exhortation to be giuen vnto the Iurie before the charge, to consider their Oath.

MAsters, the charge which you haue promised by your Oathes to obserue, toucheth and concerneth diuers good lawes and Statutes made for the whole common weale of this realme, and also for the priuate wealth of euery of you, which matters the Lord of this Franchyes considering, and wishing your wealth and quietnes, willing also good orders to be obserued and kept among you, and that right and equitie might be ministred to euery

of

of you, hath caused therefore the Kinges Maiesties Leete and his Court to be summoned and kept here at this day: I will therefore by your fauour, before I enter into the matters of your charge, declare vnto you by what authoritie you are brought hither, and wherein you are bound to serue.

One cause is, for that the Kinges Maiestie, and his noble Progenitors haue giuen and graunted vnto the Lord of this Mannour, a strength and power to keepe a Leete or Lawday at two times in the yere, at which Leet or Lawday, all the Headboroughs, Tithingmen and Dessiners, and all other persons which be resident or dwelling within this Leete, being of the age of twelue yeres or aboue, are bound by the law of this Realme to appeare: for that there they may heare the Lawes and Statutes opened and declared, that thereby they may know & auoide the dangers of the same, and further to enquire of the breakers of the same, and present them, that such offenders might be punished.

The other cause or authoritie is, for that you be the Lordes Tenaunts, and are bound by reason of your Tenure to appeare at the Lord his Court Baron, when it shall happen to be kept according to the Law, that is to say, at euerie three weekes end, and being here

here by these two authorities, you are bound to serue in all such thinges as you are ioyntly and lawfully charged withall, as well concerning the Kings Maiesties Leet, as the Lords Court Baron.

And thus you haue heard in briefe, the causes whereby you are bound to come to this Leete and Court Baron.

Also to the intent that this your oath which you haue taken, may be the better knowne, I thinke it good by your patience some what to say concerning the same.

First in swearing, 3. thinges chiefly ought to be considered: The first is that you sweare truely, that is, you must seclude all fauour and affection to the parties, not fearing the rich, nor pitying the poore, not considering the simplenes of any person, nor the smalnesse of the offence, but hauing the trueth onely before your eyes, for loue thereof say and speake that which you know to be true, & no further. The second is, you must sweare in righteousnesse, that is, for the very zeale and desire you haue in the declaring of the trueth, for the executing of Iustice, for the obseruing of couenants, honest promises, statutes, lawes, and good customes: and hauing a respect in doing and performing these thinges, you doe that which is to the glorie of God, the honor of the

King,

King, the preseruation of the people and Common-weale: and this maner of swearing is commanded of almighty God * Deutero-nomie, saying: Thou shall feare the Lord thy God and serue him, and shalt sweare by his Name, That is, we must serue God onely, feare him, and confesse his holy Name, which is done by swearing lawfully. Swearing also in many other places of Scripture is commaunded, but the same conditionally, which is, we must sweare in trueth, in iudgement, and in righteousnes, &c. * Chap. 6.

Thirdly, in swearing and taking an oath, you must do it with iudgement, not rashly nor vnaduisedly, but soberly, considering what an Oath is: and to put you in minde thereof, I will in few wordes declare what an Oath is. An Oath is the calling or taking to witnes of God his name, to confirme the trueth of that we say. And S. Paul sayth,* An oath for confirmation, is among men an end of all strife. For in doubtfull and obscure matters, where the knowledge of men faileth, wee flee vnto God, that he which is the onely trueth, may giue testimony vnto the trueth, and hee which vseth God for a witnesse, doth also call for reuenge of Periurie at his handes, if he deceiue and speake not the trueth: Also in laying your hands vpon the booke, you do sweare, truely to inquire * Hebrewes 6. vers. 16. 17.

inquire and make a true presentment of those things wherewith you be charged, and not to let from saying the trueth, & doing truely, for fauour, feare, loue, or malice of any person: you must consider that in the same booke is conteined God his euerlasting trueth and most holy worde, whereby we haue remission and forgiuenesse of our sinnes and euerlasting life. Also in the Gospell booke is contained God his plagues and threate to obstinate sinners, periured men, false witnesse-bearers, condemners of innocent and guiltlesse persons, so that if you willingly forsweare you selues, you vtterly forsake God, his mercie and trueth, the merites of our Sauiour Christ, his nativitie, life, passion, death, resurrection, and ascension, the ioyes of heauen, and euerlasting life, betaking your selues to the diuell the author of all lyes, periury and deceit: and by [illegible] swearing, and forsaking the truth, you do forsake Christ, the light and truth it selfe. And although that periurie doe escape sometime vnespied & vnpunished, & be kept secret betweene some of you and others, yet your hearts will iudge & repute one another false, and be suspicious of each others doings: but God being faithfull he will not denie himselfe: & therfore he will not suffer the prophanation of his name to be vnpunished: also at the last day, when the secrets

ſecrets of all mens hearts ſhalbe opened, then the trueth and your owne conſciences ſhal accuſe you, and Chriſt the righteous iudge ſhall iuſtly condemne you to euerlaſting death and damnation. For this ſinne of periurie God by his * Prophet hath threatned to puniſh. Wherefore let vs pray vnto God that wee may vſe ſuch oathes as be godly and lawfull, that is, that we ſweare not raſhly, in trifles, or in matters of no weight, but when it is needfull and neceſſarie onely: alſo that we do conſider the end, that our othes may ſerue to the honour of God, and to the boulting out & teſtifying of a trueth. And thus hauing put you in minde of your duties and Oathes, the which I truſt you will diligently weigh and conſider in performing and doing the ſame, to the comfort of your conſciences: I will proceede no further therein, but declare vnto you the Articles of your charge. * Malac. 3.

## The charge of Court Leete.

1 YOu muſt vnderſtand, that high Treaſons, pettie Treaſons, and Felonies, which are againſt the Crowne and dignitie, are to be enquired of and preſented in Court Leet, but not puniſhable there.

2 The which offences ought to bee ſet downe

downe in writing, and indented, the one part to remaine with the Steward, the other with the Jurie, and the same must be deliuered to the Justices of the Assises at the next Gaole deliuerie holden within the Countie. See Stamford in his Plees of the Crowne Lib.2. ca.24.fol.85.86.& 87. And Mast. Lambert in his Iustice of peace lib.4 ca.6.pag.48.

3 First you shall inquire of high Treasons, as if there be any among you which doe compasse, imagine, or entend the death of our Soueraigne Lord the King: and do vtter the same by wordes or writing, or by any other open acte: or if any go about to make warre against him: or if any bee adherent to any of his enemies.

4 If any counterfeiteth, clippeth, fyleth, washeth, or otherwise falsifyeth the money of this Realme, or the Coyne of any other Realme, which is enabled to be currant within this Realme.

5 Or if any counterfeiteth any of the Kings Maiesties Seales, as the great Seale or Stampe, these are high Treasons.

6 Also counterfeyting of the Kings Seale is to take Ware printed wyth the Kinges Seale, and to fasten it to a writing not made by the King, These are to bee inquired of here as Felonies, and to be certified as afore-

said,

ſaid, Raſtal. Treaſon 26.5. Eliz. cap. 11. pur clipping, waſhing, &c.

7 Alſo if any kill his Maſter or his Miſtres: or if a Prieſt, or other religious man kill his Ordinary, this is petie Treaſon, and to be enquired here as Felonie. 25. E. 3. cap. 2. Raſtal. Treaſon 1. Pety treaſon.

8 Alſo if any woman kill her huſband, it is petie Treaſon, and it is to be enquired of as Felonie. 19. H. 6. fol. 27. A woman to kill her huſband is pettie treaſon.

9 Alſo cutting out of a mans tongue, and putting out his eyes of malice, is felonie, and to be enquired of here. Felonies.

10 Alſo murder is when any of malice prepenſed or forethought doth kill another feloniouſly, and it is to be enquired here as bloudſhed. Murder.

11 Alſo manſlaughter as a treſpaſſe is here to be enquired, that is to ſay, when the place is not appointed to fight, but ſuddenly they fight together, and the one killeth the other as they meet by chance, alſo it is to be enquired here for bloodſhed. Manſlaughter.

12 Alſo if one kil another in defending himſelfe, he ſhall looſe his goods. In defending himſelfe and killing by miſfortune.

13 The ſame law is where one killeth another by miſfortune, &c. Stamford 15. a.

14 Alſo you ſhall enquire of Rape, which is, if a man rauiſh anie woman againſt her will, Rape.

be

be the wife, widow, or maid, though she afterward consent vnto it, it is felonie. You shall enquire also of their aiders: for they shall be iudged Mainshers, as well as hee that did the deed, 22. E. 4. fol. 22.

Burglarie. 14 Burglars are those which in the time of peace, or in the night time with a felonious intent to robbe or kill, doe breake any houses, churches, walles, or gates, & enter into them: this is Burglarie, and here to be enquired of. Stamf. fol. 30. B.

Robberie. 15 Robberie is when a man taketh anie thing from anie other person feloniouslie, though it were but the value of a pennie: this is felonie, and to be inquired of.

Burning of a house or barne 16 Also the burning of a house felloniouslie is felonie.

17 Also burning of Barnes adioyning to a house in the night is to be enquired of. 11. H. 7. 1.

Robbing of Churches. 18 Also robbing of Churches or Chappels, & taking of any Ornaments out of the same felonioustie, is felonie, and to be enquired of.

Reseue. 19 If any reseue any which is taken for felony, this is felony, & here to be enquired of.

Taking of Doues. 20 Also taking of Doues in a Douehouse in the night time with a felonious intent is felony, and here to be enquired of.

Yong Pigeons 21 Also taking of yong Pigeons, or yong Goshawkes

Goshawkes in their nests, is felonie, and here is to be enquired of. and young Goshawkes.

22 Also taking of Fish feloniously out of ponds, stewes or trunkes, is here to be enquired of. But if the same be taken out of a River, there it is no felonie. Taking of fish.

23 Also the taking of tame Deere with a felonious entent, is felonie. Taking of tame Deere.

24 The same Law is for taking of Signets, Swannes marked, Peacockes, and the same to be enquired of. Signets, Swannes, Peacockes.

25 Also if any receiue a Felon, knowing of the felonie which he hath done, this is felonie, and here to be enquired of. Receiuers.

26 And note that all other felonies which be Felons by the Common law, are here to be enquired of.

27 Accessaries are enquirable, and that is if one procure or commaund an other to doe a felonie, but is not present when hee doeth it: this procurer or commander is accessarie. Accessaries.

28 Also accessarie after Felonie is done, is where one receiueth a Felon, knowing of the felonie. Accessarie after felony done.

29 Escape voluntarie is when one arresteth an other for felonie, & after suffereth him to goe whither he wil, this is Felony, and also to be enquired of. Escape voluntarie.

30 Escape negligent is whē one is arrested Escape negligent.

for felonie, and after escapeth against his will that arrested him, and if he be not freshly pursued and taken, before they that doe pursue, lose the sight of him, he that should haue kept him, or his Gaylour, shall lose a grieuous fine, and hereof enquire.

Pety Larceny. 31 Petie Larcenie is taking of anie thing with a Felonious intent, vnder the value of xii. d. as Hennes, Geese, Pigges, or small things out of windowes, and those things are to be enquired of.

Escheate. 32 You shall vnderstand that the Lord of whom the land is holden, shall haue the lands by Escheate, where their tenants be attainted of pettie Treason, or Felonie, and the King shall haue the landes a yeere, and a day, and the waste of it, per Magna Charta cap. 22.

33 And therefore you must enquire what landes and tenements those persons so offending haue, and what goods for the king, except the Lord haue felons goods by the king his graunt. 9. H. fol. 23.

34 Also you shall vnderstand that those matters in the charge aforesaid, are to be enquired of and presented as aforesaid, but not punishable here, but there are to be certified by the Steward in sessions as aforesaid. But the rest of the matters of the charge which ensue

enſue, are inquirable and preſentable, and be alſo puniſhable here in Leete, but not certified as the other were.

1 Thoſe things which here vnder follow, are to be preſented in Leete, and alſo to be puniſhed there.

2 FIrſt you ſhall inquire if all your Conſtables, Headboroughes, Deſiners, and all other ſuitors which owe any ſuit hither, be here or not, and preſent all their names that make default. Conſtables. Headboroughes.

3 Alſo if any haue dwelt within the Lordſhip the ſpace of a yeere and a day, and be of the age of xii. yeares, and not ſworne to the King to be true and faithfull, this is inquirable. Of the age of xij. yeares.

4 Alſo you ſhall inquire if any of the Lords villaines be fugitiues, and remaine elſwhere out of the Lordſhip, and be not in the auncient demeſne of the King a yeare and a day, preſent the ſame. Villaines.

5 Alſo you ſhall inquire if any Cuſtomes or Seruices, due to this Court be holden backe, how, by whom, and in what Baylies time the ſame was, and preſent the ſame. Cuſtomes and ſeruices.

6 Alſo you ſhal inquire if any Purpreſtures be made vpon the land, wood, or water, with Purpreſtures.

blockes, stakes, ditch, hedge, or by, or with any other thing done to the noyance of the people, that is to say, to the multitude, and not onely to one.

Wals, houses, pales, or hedges.

7 Also if any walles, houses, pales, or hedges be made or erected to the noyance of the people, this is to be presented.

Highwaies, waters, ditches, or pathes.

8 Also if any common high wayes, waters, ditches, or pathes be turned out of their courses, it is to be inquired of.

Encrochments

9 Also you shall inquire if any Encrochments be made on the Kings high wayes, of any of the Lords soile Common, or one neighbour upon an other, and present it.

Lastals. Carrion.

10 Also if any Lastals be made, or any Carrion be cast in high wayes to the noyance of the people, this is inquirable.

Make frayes.

11 Also if any commonly breake the peace, as making of Frayes in disturbance of the people, this is inquirable.

Common Barretors.

12 Also if there be any common Barretors in the Lordships, as scolders and brawlers, to the noyance and disturbance of their neighbors, present their names.

Breakers of pound.

13 Also if any breake the common Pound, to take a distresse out of the same, present their names.

Outcries against the law.

14 Also if any Outcries be made against the Lawes in disturbance of the people, it

is

is to be inquired of.

15 Also if any Rescous be made within the Seignozie vpon the Shirife oz his Bailifes, oz vpon any of the Kinges officers, in disturbing of them to take any person to be arrested, it is to be inquired of. Rescous made against the Shirife, or his officers.

16 Also you shall inquire if any Euisdroppers which stand vnder walles oz windowes, by night oz day, to heare tales, and to carrie them to others, to make strife and debate betweene their neyghbours, present their names. Euisdroppers.

17 Also if there be any common breakers of hedges, present their names. Breakers of hedges.

18 Also if any keepe and maintaine any Bawdzie in their houses, it is cause of breaking the peace, and it is a vice that cozrupteth the common weale, and foz that cause it is here to be inquired of. Keeping of Bawdrie.

19 Also if there be any Uagabonds, oz those which walke by night, and sleepe in the day. Vagabonds.

20 Also if there be any that be common hunters of Tauernes oz Alehouses, hauing not sufficient to liue vpon, they are to be inquired of. Hunters of Tauernes or Alehouses.

21 Also if any go in message foz Theeues, it is to be inquired of. To go on message for theeues.

22 Also you shall inquire if any person haue watered any Hemp oz flaxe in any ryuer, running For corrupting the waters.

For corrupting the waters.

ning water, ſtreame, or brooke, or in any common ponde where beaſtes do vſe to drink, they ſhall forfeit for euery time ſo doing xx. s. the one part to the partie grieued, or any other which will ſue for the ſame in the Leete, by action of debt, bill, plaint, information, or otherwiſe, and preſent the offendors.

This offence is not inquirable in the Leete, but may be puniſhed there, vpon the action or information of any againſt the offendors: For which ſee the Statute 33. H.8. ca. 17. But vpon a preſentment of a Iurie in the Leete of ſuch an offence the penaltie can not be leuied, but the offendor may be amerced there for the noyance, and the amercement eſtreated, and ſo leuied.

False waights.

23 Alſo if any haue, and vſe any Meaſures of buſhels, gallons, yard, or ell, or falſe Ballances, or pounds, they are to be inquired of.

Double waights.

24 Alſo if any vſe double pounds, or meaſures: that is to ſay, one little or ſmall weight to ſell by, and a greater to buy with, in deceyuing the people, the ſame is to be inquired of.

Aſſiſe of bread and Ale.

25 Alſo you ſhall inquire of the aſſiſe of Bread and Ale, that the ſame be kept: that is to ſay, that euery one ſell according vnto the rate & price of graine, and that the ſame be made holſome for man, and hereof inquire.

26 Alſo

26 Also if Tiplers sell by cuppes or dishes, or measures vnsealed and not sealed, it is enquirable. Tiplers.

27 Also if butchers, fishmongers, or other victuallers sell any corrupt victuall, not holesome for mans bodie, it is enquirable. Also that all other that sell victuall, if they sell the same at a reasonable price, and not to bee excessiue, hauing regard to the prises how victuals be sold in places nere there abouts, and he that is conuicted, shall pay double that hee hath receiued to the partie damnified, and the same is to be enquired of. Butchers & all other victuallers doe sell holsome meat at a reasonable price.

28 Also that Hostlers doe not sell Hay, nor Oates but at reasonable prices, and that they doe not take for the bushell, but a halfepenie ouer the common price in the Market, and that they take nothing for litter, and this is enquirable. Hostler for selling his hay and Oates.

29 An Inkeeper may bake his breade for horses in his house in any throughfare towne, which is no Citie where common Bakers dwell, and if hee bake and not make the same according to the prises of graine, it is to bee punished in Leete. Inkeeper may bake his bread

30 Also if any Inkeeper or other person, harbour any suspected persons, perceiuing them to be of euil behauiour, it is to be enquired of. Harbouring any suspected person.

Millers. 31 Also if Millers take any excessiue toll, it is to be enquired of: and he ought to take for toll but the twentie or foure & twenty graine according vnto the custome, & according vnto the strength of the water.

32 Also if the Miller within this Lordship change the graine which he hath ground, it is enquirable.

Artificers. 33 Also it is to be enquired if all the Artificers doe make good worke as they ought, and if any make deceit in the same in deceauing of the people, you ought to present their names.

Misdemeanor of Officers. 34 Also if any Constable, Ale-taster, Bayliffe, or any other Officers within this Lordship, haue well and truely done their offices or no, it is to be enquired of.

Purueiour. 35 Also no Purueior shall make any puruepance for the Kinges house, of anie thing to the value of fortie shillings or vnder, except hee make readie payment to the partie vpon paine of loosing his Office, and to pay the value to the partie grieued: and if hee doe the contrarie, if the Steward or Tythingman, vpon complaint to them make no resistance to the Purueiour, they shall forfeit to the partie grieued, the value of the thing taken, and double dammages, and this is the misdemeanour of these Officers, and of those misdemeanors,

and

and of all others such Officers, are enquirable.

36 Also the constable ought to see the peace and watch to be obserued as it ought. Peace and watch.

37 If any treasure be found, that is to say, put in the earth, and no man knoweth who hid the same, this is the Kinges, except the Lord haue the same by speciall wordes, or by prescription. Treasure found.

38 If any estraies be, they are enquirable, and that is, if any horse, pigges, hogges, cattell, or Swannes, which haue come into this Lordship, and haue bin there a yere and a day, and not claimed, then the Lord may haue the propertie of the same by prescription, but the same ought first to be impounded in an open pound, proclaimed in three markets next adioyning, and if none clayme them, then they shall be sealed, and ought to be put into some seuerall land, and not in any couert or wood, where the owner cannot find them, for if they bee in couert the propertie is not changed, though they be there a peare and a day. Estraies.

39 Also you shall enquire whether anie Theefe vpon hue and cry, or otherwise doth waiue his goods, that is to say, doth leaue or forsake his goods, or any parcell of thē, which he hath stolne, by reason whereof the King is seised thereof or the Lord by the graunt of the king Waife.

King: such goods are called waifes, and therfore presente the same: Also if any officer sease vpon any theeues goods, though there be no pursuit made in these cases, the King or the Lord by grant or prescription shall haue these goods, &c.

He that flyeth. 40 If anie flie, that is to say, if any be found by Indictment guiltie of murder before the Coroner, or if he be indicted of Felonie, and acquited and found that he flieth, then he shall forfeit his goods to the King, and the Lord may haue them by Charter, and not by prescription, and this is enquirable.

Horse or Mare scabbed. 41 If any horse or mare be put vpon a waste ground, and be scabbed, or hauing an infectious disease, hee shall forfeit to the Lord of the Leet ten shillings, and this is enquirable.

Exigent. 42 If any exigent be awarded against one endicted of Felonie, by the keeping of his goods, they are forfeit, though after he be acquited of Felonie, and the king shall haue his goods, & the lord by charter, & not by prescription without charter, and this is enquirable.

Outlawed. 43 If any be outlawed in debt, trespasse, or other personall action, his goods be forfeited, and the King shall haue them & not the Lord, except it be by Charter, and not by prescription, and this is enquirable.

Common fine. 44 Also you shall enquire if the cõmon fine haue

haue been here to be paied according to the custome, and whether the same be gathered according vnto the vsage: This is commonly gathered by the Hedborough.

45 Note, that euery one that hath view of free pledges, ought to haue Pillorie & Tumbrell to do iustice: Also in euery towne where there is a Leete, there shall be stockes, and for default thereof the Towne shall forfeit fiue pounds, and the same is inquirable. Stockes.

46 Also you shall inquire whether any haue vsed in any of their garments, Ueluet, Satten, Damaske, Taffata, Sarcenet, Chamlet, or any Furre, as Foynes, Jenets, Martines, Squirrell, Fore, Gray, Conie, Hare, or other Furres growing within this land, or gold, or siluer, in or vpon any of their garments, otherwise then the Statutes made in the 24. yeare H. 8. and 1. and 2. of Phil. and Mary doe allow, you shall present the offendors. Apparell.

47 Also you shall inquire whether any Baker, Brewer, Butcher, Cooke, Tipler, &c. do take excessiue gaine or no: Also whether they conspire, couenant, promise, or make any oath not to sell victuall but at a certaine price, and present the same. Victualers.

48 Also you shall inquire if any Artificers, workmen, or labourers, haue conspyred, promised, or made any oathes, that they will not Artificers.

make,

make, or doe their worke but at certaine prices, or not to finish that which an other hath begun, or will doe but certain worke in a day, present them, for they shall forfeit certaine penalties, 24. H. 8. cap. 12.

Archers. 49 Also you shall inquire if any man being the Kings subiect, not lame or maymed, not hauing any lawfull impediment, being within the age of threescore yeares, except Spirituall men, and Iustices, doe vse and exercise shooting in long Bowes, and whether the fathers and mothers of such as be vnder 17. yeres, do bring vp their children in the knowledge of shooting: And whether euery man child of seauen yeres and vpward, haue a bow and two shafts: if they haue not, their gouernors shall forfeit certaine penalties, present therefore such offendors.

Buttes. 50 Also you shall inquire if the Buttes be made and continued, and if your Buts be not made and continued, ye shall forfeit for euery three Monethes for default thereof xx. s.

Tanners, Curriers, and tanned Leather. 51 Also you shall inquire if any Tanner haue offered to be sold any hyde of Bull, Ore, Steere, or Cow gashed or cut, he shall forfeit for euery one xii. pence.

Curriers. 52 Also no Currier ought to currie any leather in a Shoomakers house. And none ought to currie any Leather euill tanned.

53 Also

53 Alſo you ſhall inquire if there be any Crow nets, if there be not, the Lord ſhall haue moitie of x. ſhillings, which ſhall be forfeited by the Pariſh or Towne for not hauing the ſame. Alſo if they diſtroy not the Crow nests when they begin to breed, they ſhall be amerced. Crowneta, and Crow nests.

54 Alſo you ſhall inquire if any perſon by any meanes haue taken and killed any young broode, ſpawne, or frie of Salmons, Eeles, Pikes, or any other Fiſh, in any ſtreame, ryuer, brooke, floodgate, or in the taile of any Mill, and preſent the offendors. And further, when any perſon hath taken in any of the places aforeſaid, any Salmons or Trowtes out of ſeaſon, or any Pikes or Pikerels, not being in length ten ynches, or any Barbel not being in length twelue ynches, or any Salmons not ſixteene ynches, or Trowtes not eight ynches long: If any haue done ſo, they ſhall forfeit certaine penalties. For the taking and killing of Fiſh.

55 Alſo you ſhall inquire if any breake by day or night, the head or damme of any Pond, Poole, or Moate, within which the Lord hath Fiſh, to the intent to ſcatter, ſteale, and deſtroy the Fiſh, he ſhall pay to the Lord treble damages, and ſhall be impriſoned three Monethes, and after find ſuerties for ſeuen yeares of his good abearing. Breaking the head of any pond.

56 Alſo

Hunting of Deere.

56 Also you shall inquire if any doe hunt Deere out of the Lords ground, or kill any of his Deere, and present them.

Vnlawfull games.

57 Also you shall inquire if any person doe keep or maintaine any Common house, Alley, or place of Bowling, Quaites, Tailes, Tennise, Dicing, Tables, or Carding, or any other vnlawfull games, and present them: If they doe, they shall forfeit certaine penalties. Also you shall inquire if any person doe haunt the said houses and places. And further, you shal inquire if your Constables and other officers do make true search in such places which be suspected to be frequented with any vnlawfull games, yea or no, if they do not they shall forfeit certain penalties, you shall therefore present such offenders. 33. H. 8. cap. 9.

Horses.

58 No stoned Horse being of the age of two yeares, except he be fourteene handfuls high, shall be put to pasture in any Common, Forrest, or Chase, vpon paine of forfeiting the same Horse. Also the said grounds ought to be yearely driuen at Michaelmas by the Lord, Tythingmen, Constables, &c. or within fifteene dayes after, vpon paine of xl. shillings: And if vpon the same driuing there be found any Mare, Fole, or Gelding, not likely to be able to beare Foles, or to do profitable seruice, the same shal be slain & buried, 32. H. 8. c. 13.

59 Also

59 Also you shall enquire if the inhabitants after robberies and felonies committed, doe make fresh suit from towne to towne, or from countie to countie, or from hundred to hundred, according to the statute of Winchester 13.E.1. cap.2. For if a man be robbed in the day time, and the theefe escape, and is not taken within fortie dayes after the robberie, for lacke of hue and cry, the borough or hundred shall answere to the partie all his goodes and damages. Also if any person bee killed in a towne in the day-time, and the murderer or manslayer escape, not taken or arrested by those of the Towne, then the Townehip shal be amerced. 18. E.2. Hue and cry.

60 Also you shall enquire if your Constables & Churchwardens haue appointed anie surueiour for the mending of high waies, leading to market townes, or no, and if any chosen refuse the same office, hee shall pay 11. s. Also you shall enquire whether the same surueyors haue taken vpon them the said office, and put the same in execution: and whether the Parishioners haue done their duties, and present all those that haue offended contrarie to the same Statute, for the offenders shall forfeit certaine penalties. For the mending of high-waies.

61 Also you shall enquire if the ditches bee scoured, and bushes cut, according to the statute,

Scouring of ditches & cutting of hedges

tute made in the first yeare of Q. Elizabeth, for not doing of the same, they shall forfeite tenne shillings.

Nota.

62 The moitie of all the forfeitures for these Statutes, the Churchwardens shall haue to bestow vpon the highwaies.

For watering hempe or flaxe.

63 Also you shal enquire if any person haue watered any Hempe or Flaxe in any Riuer, running water, streame or brooke, or other common pond where beasts doe vse to drinke, they shall forfeit for euery time so doing xx.s. the one part to the partie grieued, or any other which will sue for the same, and the Statute 33. H. 8. cap. 17. doth giue a remedie to sue for the same in Leete by action of debt, bill, plaint, or information or otherwise.

Musters.

64 Also you shall enquire whether anie refuse to come to musters before any person authorized to take the same, hee shall be imprisoned for tenne dayes except he pay to the king xl.s. and if any person appointed to take musters receiue any mony to release any appointed to serue, hee shall forfeit ten times so much as that he receiued, 4. & 5. P. & M. cap. 3.

Ryots.

65 If any persons to the number of twelue make an vnlawfull assembly, for to breake any Bankes, Enclosures, Parkes, Fishponds, Barnes, Houses, and such like, and proclamation bee made by the Shiriffe or Iustice of

Peace

peace that they depart, and notwithstanding they remaine together an houre after proclamation made, euery such attempt is Felonie. Also euery Copyholder being a Yeoman, husbandman, or labourer, of the age of eighteene yeeres, and vnder threescore, not sicke, nor hauing a reasonable excuse, and being required by the Iustice, Shirife, &c. to apprehend those persons aforesaid, and refuse, shall forfeite his estate during his life, and his Lorde may enter. Also the Farmer being a Yeoman, &c. refusing, is in the same case to his Landlord. Also it is Felonie if any person without compulsion bring, send, or deliuer any money, harnesse, artillerie, weapons, or victuals, to anie persons assembled in such maner. Also the Iustice of peace, or other Officer may raise a power to suppresse them: and if any Officer kill any such rebellious persons, or mayme them, they shall be free, and if anie person know of any such pretended rebellion, and do not openly declare the same within 12. houres next after such knowledge, he shall be imprisoned for three monthes without bayle or mainprise, if hee be not discharged by a Iustice of Peace: also he that letteth or hindreth that proclamation that the same bee not made, committeth Felonie.

22 Anno quinto Eliz. cap. 1. If any ertol

Of the King and assurance of his power.

or set foorth the authoritie of the Bishop of Rome against the forme of this Estatute, hee shall incurre the daunger of a Premunire, and this Estatute is to be declared in Leet.

Tracing of Hares.

68 None may trace, destroy, or kill a Leueret in the snow with a dog, or otherwise, and he that doeth it shall forfeit six shillings eight pence. 13. H. 8. cap. 11.

Licences for wine.

69 Also you shall enquire if those persons which doe sell Wines be thereunto licenced, according vnto the Statute made in the viij. yeere of E. 6. &c. vpon a grieuous paine and forfeiture, and for euery day occupying or selling of wine without licences. Also you shall enquire how many there are licenced, and present them. Of this and all other matters and defaults you shall diligently enquire & make a true presentment.

Then after the charge is giuen, the Steward shall command the Crier to make Proclamation, and after Proclamation made three times the Steward shall say.

If any can enforme the Steward or this enquest of any petie Treason, Felony, petie Larcenie, purpresture, breaking of Poundes, or of rescous, or of any other thing done against the peace, or of any person of euill behauiour

uiour within the Leet, and any Artificer that doth make deceipt, or of any other misdemeanor of any Officer, or other person here, or of any Waife or Estray, Treasure found, or of any other thing here to be inquired of: Come in and you shall be heard.

Then if any come in, hee shall be sworne to giue euidence to the Iurie: And after that the Steward shall say to the Enquest,

GO you together, and enquire of the matters of your charge, and when you bee agreed I shall be ready to take your verdict.

An addition of diuers other matters inquirable in Leetes, not mentioned in the former edition.

1. IT is lawfull to all Stewards and Bailifes in their seuerall Leetes and Tourndayes, to inquire, heare, and determine euery offence committed contrary to the tenour of the Statute made 33. H. 8. concerning Crosbowes and Handguns; so that it alwayes no lesse fine then x. li. be assessed vpon euery such presentment and conuiction, the one moitie of euery such fine to be leuied to the vse of the King, and the halfe of the other moitie to Crosbowes & Handgunnes.

the owner of the Leete or Lawday, by distresse, or action of debt, and the other halfe of the said moitie to bee to the party that will pursue for the same in any of the Queenes courts by action, information, &c. wherein no matter of law, essoine, protection, &c.

2 And if any Jurie sworne and charged to inquire for the King, of any offences committed contrarie to the said Statute, doe wilfully conceal any of the said offences: Then the Stewards or Bailifes before whom any concealment shall be had, haue authoritie to charge and sweare an other Jurie of twelue or more, to inquire of such concealment: And if such concealment bee found and presented by the said Jurie, then euery of the first Jurie shall forfeit for euery such concealment of euery offence twentie shillings, the one moitie to be leuied to the owner of the Leete or Lawday by distresse, or action of debt, and the other to the Informer to bee recouered by action, information, &c. wherein no wager of Law, Essoine, Protection, &c.

3 But if the presentment or suit for any of the said forfeiture bee not commenced within one halfe yeere next after the offence committed, then the offender shall be thereof cleerely discharged, 33. H. 8. 16.

4 Lords

4 Lordes in Leetes and their Stewardes within the precinct of their Leetes haue authoritie to inquire and take presentment by the oath of Iurors, of all and euerie offence and offences committed contrarie to the Statute 31. Eliz. touching the erecting & maintaining of Cottages and Inmates, and vpon presentment made to leuie by distresse to the vse of the Lord of the Leete all such summes of money as shall be forfeited by the Statute of 31. Eliz. cap. 7. New ottages Inma es.

5 The Steward in euery Leete shall haue full power & authoritie to inquire, heare, and determine aswell by presentment of twelue men, as by accusation or information of two honest witnesses, of, for, and vpon all and euery the offences and forfeitures committed (contrarie to the Statute prouided 2. E. 6. for the true making of Malt) aswell for the King as for the partie that shall sue, procure, or cause the same to be presented, 2. Ed. 6. 16. 35. Eliz. 7. Mal t.

6 Stewardes of Leetes, Liberties, and Lawdayes wythin their seuerall iurisdictions shall and may heare, inquire, and determine of all and euerie offence and offences which shall bee committed within the precinct of their Liberties, Iurisdictions, or franchises, against the tenor of the Act made

An. 23. El. 6. for the preseruation of Fesants and Partriges, 23. Eliz. 10.

¶ Stewards in their Leetes and Lawdaies haue authoritie to inquire and determine euery default and offence of Bakers or Brewers making horsebread not sufficient, lawfull, and of due assise, according to the price of Corne, committed within the limits of their iurisdiction contrarie to the Statute in that case prouided, 32. Hen. 8. 41. Horsebread.

8 The Lord of euery Leete hath authoritie to inquire of all the offences committed contrarie to the purport and forme of the statute prouided (1. Eliz. for the preseruation of Spawne and frie of Fish) within the precinct of the said Leete, such inquirie to be had in manner and forme as common amerciaments or other thinges inquirable in Leetes haue been lawfully vsed to bee made, and vpon euerie such presentment had in any Leete court by the oath of twelue men of any offence made contrarie to the said Statute, all forfeitures appointed for such offence shall bee vnto the Lord of the said Leete, and shall bee leuied as amerciaments for frayes committed within the precinct of such Leete haue been vsed to be leuied. And if the Steward of a Leete or some other for him doe not charge the Iurie Fish.

sworne

ſworne in euery Leete to enquire of all offences done within the precinct of the ſame Leet concerning the killing of Spawne or frie of fiſh, kepper or chedder, Salmons or Trowts, Pikerell, Salmon, Trowt, or Barbell, being not of lawfull length. And concerning the maſh of nets and other engines, he ſhal forfeit for euery offence xl. s. to the king & him that will ſue for the ſame.

9 And if any Jury ſworne in a Leet hauing charge to enquire of the premiſſes, doe willingly conceale & make default in preſentmēt of the offence & offenders, then the Steward or Bailife or their deputie, may impanell another Jury within the ſame Leet to enquire of ſuch concealement, which being found euery of the Jurors ſo concealing ſhall forfeit xx. s. to the Lord of the Leet for euery offence.

10 Sauing alwaies to all and euery perſon and perſons, bodies politike & corporate, and euery of them all ſuch right, title, intereſt, claime, priuiledge and conſeruation and enquirie and puniſhment of and for any the offences aforeſaid, as they or any of them lawfully haue and enioy, or of right ought to haue and enioy by any maner of meanes any thing &c. notwithſtanding. 1. Eliz. 17. 35. Eliz. 7.

Finis de le charge de
Court Leete.

# THE ORDER OF keeping Court Baron.

## The ſtile of the Court.

Ouerſloy. *Vria Baronis M.L. ibidem tenta die Martis, videlicet decimo quarto die Iunij anno regni Iacobi Dei gratia Angliæ, Scotiæ, Franciæ, & Hiberniæ Regis fidei defenſoris, &c. viz. Angliæ, Franciæ, & Hiberniæ ſecundo, et Scotiæ triceſſimo octauo, tent' per Seneſchallum.*

After the ſtile of the Court entred, you ſhall cauſe the Baylife to cry once Oyes, and then call the Iurors.

*Exemp.* { Iohn Doe, Richard Roe, Iohn Den, Richard Fen, Wallter Hellē. Robert Allen. } *Iuratores.* { Rob. Dodge, Tho. Lodge, Adā Clarke, Dauid Parke Henry Loe, Williā Croe. } *Homage.*

After the Iurie is called, the Bailife ſhall crie an other Oyes, and then the Steward ſhall ſay,

If any will be eſſoyned or enter any plaint, come in and you ſhall be heard.

The eſſoines bee ſet before the homage in M. Kitchins booke & better then here, for firſt ſhould

should the sutors be cald, and their apparance, defaults; or essoines, be recorded, before it can be knowne who doe appeare to make the homage.

And after the Essoines be entred, and your plaints and plees thereto made, then impannell the Iurie and sweare them.

After the enquest is impanelled and sworne, make an other Oyes, and say, you good men which be of the Iury, come neare, and you and all other keepe silence during your charge.

## An Exhortation to the Iurie.

MY Masters you that be sworn, before I giue you charge in this Court Baron, I thinke it good to declare vnto you by what authoritie you are commanded to be here, and for what cause. Chieflie you are appointed to be here for that you be the Lords tenants, and are bound by reason thereof to appeare at the Lords Court Baron when it shall be kept according to the Law, that is to say, at euerie three weekes end being warned, and being by the same authoritie there, to end & determine Iniuries, Trespasses, Debts, and other actions, where the debt or damage is vnder fortie shillings. And also that nothing be done within the Manour, hurtfull to the inheritance of

the

the Lord of the Manor, which ought to be enquired and presented for the Lord: and that you be the more diligent and carefull in enquiring and presenting the same, I haue ministred an oath vnto you, which is the calling or taking to witnesse of God his name, to confirme the truth of that you shal say, & present, minding neyther fraude nor deceipt, but only the truth, not partiall, but seeking the glorie of God, and the profit of your neighbours, and the Common weale of God his people.

## The Charge.

1. FIrst you shall enquire of the suitors which owe any suit to this Court, whether they be here or no, & present their names that make default, for they which bee absent ought to be present here as well as you, except they haue some lawfull impediment to the contrary, for they hold their lands aswell to doe their suit as to pay their rent, so that if they do not their suit they shalbe amerced, or the Lord may haue good remedie for the same: otherwise you shall vnderstand, that euery common suitor is bound by the lawes to appeare at the Lordes Court Baron at euery three weekes end: notwithstanding, the Lord for your ease (which he esteemeth more then his own profite)

The tenants are bound to appeare at euery three weekes end at the Lords Court Baron.

fite) ſuffereth the ſame to be kept but ſeldome, as appeareth, for which cauſe euery of the tenants ought the more willingly to come vnto his Court at ſuch times as hee doth appoint for the ſame: for if they wilfully abſent themſelues, then they render euill for good, and beſides that, they incurre the daunger of periurie, for when they did their fealtie, they were ſworne to be true tenants vnto their Lord, and to pay and doe all manner of ſuites, cuſtomes, and ſeruices due for their tenements, at their day aſſigned: And therefore let euery man remember his oath and dutie, and doe his ſuits and ſeruices according to the ſame, or els he ſhall fall into the danger aforeſaid.

2 Next you ſhall inquire whether there be any tenant dead ſithence the laſt Court day or before, whoſe death as yet is not preſented, & you ſhall preſent the ſame: Alſo what landes and tenements he held of this Lordſhip at the time of his death, and by what ſeruices, that is to ſay, whether it were by Knights ſeruice, Socage tenure, or Copyhold, and what aduantage the Lord ſhall haue by his death, as Ward, Mariage, Reliefe, Eſcheat, Fine, Herriot, &c. And who is his next heire, and what age he is of, and in whoſe keeping, and preſent it. You ſhall vnderſtand there be diuers maner of Tenures, but moſt men doe holde by Knights

What tenants are dead ſince the laſt Court.

What land he holdeth, and by what ſeruice.

Alſo who is next heire.

Knights seruice, or Socage tenure.

Knights seruice what it is.

3 Knights seruice is when the tenant holdeth of the Lord by Escuage, that is to say, by the seruice of the Shield: also to hold by Castle guarde, that is to say, to keepe a Castle, or Tower, or Doore, or other place of his Lords vpon reasonable warning, when the Lord heareth that enemies do come into England, that is Knights seruice.

Homage, fealtie, & Escuage, Knights seruice.

4 Also he that holdeth by homage, fealtie, and escuage, holdeth by knights seruice. Also he which holdeth of his Lord to blow a Horne to warne the men of that countrey when enemies doe come into England, holdeth by Knights seruice, and Knights seruice ought alwayes to be done by the bodie of a man, and that seruice draweth vnto it, warde, mariage, and relefe: for when such a tenant dyeth seised, and his heire male within age & vnmaried, the Lord shall haue the land holden of him, and also the mariage of him vntill hee be of full age, that is to say, the age of xxi. yeeres. But if such a Tenant dyed seised, his heire female being of the age of fourteene yeeres or more, then the Lord shall neyther haue the Wardship of the land, nor yet of her bodie, for that the Law entendeth, that a woman of that age may haue a husband able to doe knights seruice: And if she be within the age of 14. yeres

Knights seruice is done by the bodie of a man.

Knights seruice draweth vnto it ward, mariage, and relefe.

and

and vnmaried, then the Lord shall haue the wardship of her land, and also of her body, vntill shee be of the age of sixteene yeeres. And some such tenants doe hold by a Knights fee, and some by halfe a fee, and some by more, and some by lesse: And if such a tenant dieth which holdeth by one Knights fee, and his heire being of full age, then the Lord shall haue homage and fealtie, and also fiue pound for a reliefe, & of him which holdeth by halfe a knights fee, ii. li. x. s. and he that holdeth by more shall pay more, and he that holdeth by lesse, shal pay lesse: you shall therefore present whether any such tenant died seised of any such landes and tenements so holden, yea or no.

5 Also you shal inquire whether any tenant which held by Knights service, made any feoffement to his heire, and after died, his heire being within age, yea or no, for notwithstanding such feoffement the heire is to be ward. Alienation by collusion, and holding by Knights service,

6 And whether any such tenant made anie alienation of any such land so holden to anie person by collusion, to defeat the Lord of his ward, or other profits, yea or no, and present that: for in all these cases the Lord shall haue the ward and mariage of his heire, and also of his lands, as well as if the said tenant had died seised of the same land.

7 Also you shall inquire whether any such Tenant

Feoffement a son vse, the land holden in Knights seruice.

Tenant which held by Knights seruice, did make anie will of his lands or conueyed anie of them to his wife or children, or to friends to pay his debtes, which notwithstanding anie such will or conueyance the Lord shall haue the wardship of his heire, and custodie of the third part of his lands. 34. & 32. H. 8.

Entrie for condition broken.

8 Also you shall enquire whether the heire of such tenant, entred into anie such lands so holden, for anie condition broken, being made by anie of his auncestors, and present it.

Entre into Religion.

9 Also whether such entre in religion beyond sea without licence, and so the partie to forfeit the lands to the king.

Disseisin of the tenant, and death before anie reentrie.

10 Also you shall enquire if anie Tenant which held by knights seruice, were disseised of lands so holden, that is to say, put out of them by one which had no right nor title to the same, and after died before anie reentrie, or anie due suit prosecuted had, and present it, for the Lord shall haue the wardship of the bodie of the heire and of his land, as well as if his tenant had died thereof seised.

What Socage tenure is.

11 Socage tenure is, as if the tenant holdeth of the Lord by Fealtie and certaine rent for all manner of seruices, or by homage and fealtie for all manner of seruices, or by fealtie onely for all manner of seruices, or to pay a summe of money for escuage, or to pay a certaine

taine summe of money for Castle garde: all such Tenures are Tenures in Socage: and all other Tenures which are not Tenures by Knightes seruice, are Tenures in Socage: and where such Tenaunts die seised of such lands so holden, the Lord of whom the land is so holden, after the death of his Tenaunt, can haue no more profit but onelie his fealtie and reliefe, that is to say, as much money and seruice as one yeres rent doth amount vnto: As if the tenaunt hold by fealtie, & x.s. rent, the Lord shall haue x.s. for a reliefe, ouer and besides the x.s. which hee shall pay for his rent: and in such case after the death of the tenant, such reliefe is due vnto the Lord maintenant or immediatly vpon his ancestors death, so that the heire be of the full age of fourteene yeres, and he ought not tarrie for his reliefe vntill the day of payment of the rent, but he ought to claime his reliefe of the maintenant, and for that he may distraine immediatly after the death of his tenant.

Reliefe is as much money as one yeares rent.

13. Also if a Copyholder dye seised of any landes or tenements so holden, his heire being of the age of xiiii. yeares, then hee shall pay a fine vnto the Lord for his fealtie, & be admitted tenant: but if the heire be within the age of xiiii. yeares, then some Gardein shall be admitted to occupie his Copyhold, and to pay

A Copholder dyeth.

and

and to doe his seruice due for the same, that is to say, if lands discend from the father, then the mother or some of her next kin shall haue the occupation of the same landes, vntill the heire be of the age of fourteene yeeres, and they shall a little fine for the Wardenship, and the heire at his entrie shall pay the whole fine, you shall enquire thereof and present the same.

13 Also you shall enquire whether anie tenaunt which holdeth by Socage Tenure, did make anie Feoffement in fee to his vse, and dyed seised of the same, his heire being within age, and no Will by him declared of the vse, and present it: for the Lord shall haue his reliefe, as well as if hee had dyed seised of the same landes.

Whether any Freeholder hath aliened any of his free hold lands.

14 Also you shall enquire whether any freeholder hath aliened or sold away his freehold houses or tenements, or any parcell of them, and present it: for he which hath bought the land before he enter, ought to come and giue notice vnto the Lord that he hath bought the same, and so the Lord shall know his tenant, and in case where but part is sold, the seruice which the former paid vnto the Lord, shall be apportioned according vnto the value of the landes sold and retayned.

15 Also you shall enquire whether any which

held

held by Herriot seruice, or Herriot custome, dyed seised of anie Landes or Tenements so holden, and present it, for the Lord shall haue of euery of their seuerall partes diuers Herriots at their seuerall deathes: also if one man haue two seuerall parcels of landes holden by Herriot seruice, and by two seuerall titles, & dyeth seised of the same, the Lord shall haue after his death two Herriots. Herriot seruice. Herriot custome.

16 Also you shall enquire if any Copyholder die seised of any landes so holden, and present it: also whether anie Copyholder hath made any lease of his Copyhold, or otherwise alienes or sold the same, and present it, for it is a forfeiture of his Copyhold: for if a Copyholder will alien or sell away his Copihold, he ought to come into the Court and surrender the same into the hands of the Lord, to the vse of him which shall haue the state, or els out of the Court hee ought to surrender it vnto the Baylife, or to some of the Tenants of the Lordship, to the vse of him which shall haue the state, and they to whom the surrender is made, ought to present the same at the next Court, and then pay his fine for the same, and take it to his vse in the Court, and doe his endeuour to be admitted, and if hee be not at the same Court, then the Lord shall haue the meane profits of the same landes, all the rent Whether anie Copyholder dyeth seised of any such lands. How a Copyholder ought to surrender his Copyhold.

seruices and reparations being deducted, vntill he be satisfied for his fine, according to his duetie.

Whether any Copyholder hath made any surrender.

17 Also you shall enquire if any Copyholder hath made any surrender of his Copyhold, or any part thereof sithence the last court day, or before, & present it, and into whose hands it was made, and in whose presence, or to whose vse: for at euery surrender the Lord ought to haue a fine, and the partie into whose handes the surrender is made, ought to come to the next Court, and present the same, and to yeeld vp and testifie the surrender into the Lordes hands, to the vse of the alienee, according vnto the trust reposed in him, or otherwise hee forfeiteth his Copyhold, except he haue a reasonable excuse: for that hee doth as much as he may to defeat the Lord of his fine, and also to defeat the other party to whose vse the surrender was made. Not. The partie that receiued the surrender had no right by it.

Mortmaine.

18 Also you shall enquire if any Tenant of the Lordship haue giuen any lands into mortmaine, and present it.

19 Mortmaine is if a man giue or sell anie lands to any house of religion, or to any other which be corporate by the kings graunt: also if one make a Feoffement vppon trust to the vse of an house of Religion, or to the vse of

of a Guild or fraternitie Corporate, that is Mortmaine.

20 Also if one exchange lands or tenements with an Abbot, or other bodie Corporate, this is Mortmaine.

21 Also if a man of Religion, or other body corporat, doth hold of any man by knights seruice, & he release vnto him, this is Mortmaine, and then the King or Lord may enter, & shall haue the same by force of the Statute in that behalfe made, viz. the nert Lord if he enter within a yeare after the alienation, or in the Lords default, the king: you shal therfore present them that haue giuen any lands or tenemẽts in Mortmain, & whẽ the same was done. A Statute made thereof that the King or Lord shall haue the same.

22 Also you shall inquire whether any Tenant for terme of life or yeeres, or any Copyholder of this Lordship hath made any wast, or suffered any wast to bee done vpon their lands and tenements, yea or no. Wast.

23 Wast is when any Tenant for terme of life, yeeres, or anie Copyholder pulleth downe any house, or cutteth downe any Timber trees, or suffereth the house willingly to fall, being on their Copie tenements, or if anie of the tenants plough vp anie meadow ground, or if they suffer any wall or pale which were couered, to be vncouered, by reason whereof the same wall or pale doth fall What wast is and how the same is done.

in decay, or if any of them digge coals, chalk, or sand, or make any Mines in their grounds, then they make wast. Also if they fell a tree to the value of three shillings foure pence, this is admitted wast: But if a man cut downe tymber to repayre the olde houses which stand upon parcell of the same ground, and therewith both repaire them, then it is no wast: but if he with the tymber build a new house, then the cutting downe of such tymber is wast: Or if he cut downe any tymber to sell, to repayre such houses which are fallen in decay, such is wast. But if wast be done with a tempest, no Tenant shall be punished for such wast: but if wast bee done by any danger, the Tenant shall be punished for such wast. Also it is no wast to fell in a seasonable time such trees as haue been felled within xx. yeeres before: but if a Tenant cut downe such trees to burne upon their Tenements, where they haue wood sufficient, this is wast. Also a Copyholder may not cut downe wood to sell, but he may to burne, upon his Tenement, or to make reparations as aforesaid.

Whether any tenant in possession dyed seised without any heire.

24 Also you shall inquire whether any Tenant in possession or reuersion dyed seised of any Land or Tenements holden of this Lordship, hauing no heire at the time of his death, yea or no, and present it, for then the Lord

Lord shall haue the land holden of him by Escuage. You shall vnderstand that none shall haue landes in fee simple as heire vnto any man, vnlesse he be heire of the whole blood: for if a man haue issue two sonnes by diuers women, and dyeth seised of the same land, and the eldest entreth and dieth without issue, the yongest shall not haue the land as heire vnto his brother, because he is of the halfe blood, but some other heire of the fathers side shall inherite the same land, and if he haue no heire on the fathers side, then the next heire on the mothers side shall not haue the land, but the Lord of whom the land is holden shall haue the land by Escheat: and so when land discendeth on the mothers side, the heire on the mothers side shall inherite, and not the heires of the fathers side. And you shall vnderstand, that a Bastard can neuer be heire vnto any man, nor yet haue heire vnto himselfe, but his childzen: therefore if any Bastard die without issue, or any other tenant haue dyed seised without heires, you shall present it.

A bastard may not inherite.

25 Also you shall inquire if any Tenaunt was seised of any landes or tenements, and was put out of his land by one which had no rightfull title, and afterward dyed without any heire, the Lord shall haue his Escheate aswell as if his Tenant had dyed seised.

Whether any tenant dyed being put out of his lands by one which had no right.

Petie Treason, Felonie, or Murder committed by any tenant, for which he was hanged, or had iudgement to be hanged.

26 Also you shall inquire whether any Tenant of this Lordship hath committed any petie Treason, Felonies, or Murders, for the which he was hanged, or for the which he had iudgemene to be hanged, though afterward he dyed by the act of God, or prayed his clergy and was allowed it, and deliuered to the Ordinarie before the statute made in the 18. yere of her Maiesties raigne, or else since that statute was burned in the hand, and deliuered out of prison according to the statute, for by that iudgement he was attainted, & the Lord entreth to the escheate of his lands, and therefore if any such be, present it. And whether any tenant hath committed any petie Treason, Felonie, or Murder, for the which he hath abiured the land, or for the which he was outlawed, or for the which he was beheaded, or for the which he was ouercome by wager of battaile vpon any appeal, or in the combate put to death, and present it: for in all these cases the Lord of whom the lands are holden, shall haue the lands by Escheate, and also the Euidences concerning the same.

Whether there be any rents lost, or seruices withdrawne.

27 Also you shal inquire if there be any rẽts, customes, or seruices withdrawne from the Lordship, which of right ought to be done, & present it: and what rents, customes, & seruices they are, & by whom they are withdrawne, and

and where the land lyeth out of which they be due, and who holdeth the same, that the Lord may haue his remedie for the arrerages thereof.

28 Also you shall enquire whether the Copyholdes or the Farmers of this Lordship doe vphold and repaire their Tenements, yea or no, and present the same. You shall vnderstand that euery Tenant is bound to three things: First, that hee be true Tenant to his Lord: Secondly, that he sufficiently repaire his tenements: and thirdly, that hee pay and doe all suites, customes, and seruices at his dayes assigned: for he tooke vpon him so to doe when he did his fealtie: and if hee doe not pay his suites, customes & seruices, the Lord shall haue good remedy and recouer the same with his damages: and if he be a Copiholder, & doe the contrary, he doth forfeit his Copihold. Whether the tenants doe vphold and repaire their tenements.

29 Also you shall enquire if any Tenant of this Lordship which is bound by reason of his Tenure to doe suit vnto the Lordes Mill, doe the same yea or no, and present it: and whether any haue vsed to withdraw their suite frō the Lord his Mill, in not grinding their corne there, yea or no, and present it. Whether any tenant haue withdrawne his seruices.

30 Also you shal enquire whether any waife or Stray, is, or was within this Lordship, and whether the Lord bee answered of the same, Waife and Stray.

yea, or no: if not, present by whom they are conueyed away: also you shall enquire if anie Herriot be conueyed away, yea or no, and present it, and by whom.

What a waife is.

31 A Waife is, if a theefe vpon hue and cry and pursuite after him, or otherwise to ease himselfe of his cariage, without hue and cry doth waife his goods, that is to say, doth leaue and forsake his goods which he hath stolne, or any parcell of them, by reason whereof the king or any other Lord or officer in his right, or in his owne right doe seaze the goodes: in those cases ỳ goods so seised are called waifes, and the same Law is, if anie Officer take any goods of a theef, suspecting that he hath stolne them, though there be no pursuit made, and in these cases, the king or els the Lord by reason of a graunt made by the king or by prescription, shall haue the goodes so waifed, if the owner of them doe not make fresh suite after the Theefe to attaint him for stealing of the same goods: which fresh suit if hee make, hee shall haue his goods again, though they be waifed, but then he must sue an appeale, or els procure the partie to be indicted and conuicted by euidence at his pursuit, according to the statute made, 21. H. 8. cap. 11. and so haue them.

What an Estray is.

32 An Estray is, when anie Horse, Mare, Oxe, Sheepe, or other beastes are in the Lord-

Lordship, and no man knoweth the owner of them, they shall be sealed vnto the vse of the king, or to the Lord which hath such an estray by the king his graunt, or by prescription, and if the owner come and make claime within a yeere and a day, then he shall haue it againe, or els after the yeare and the day the propertie thereof shall be to the King, or els to the Lord which hath the same by graunt or prescription, so that the Lord make proclamation thereof, according to the law, in the next Markets, and in the Church.

33 Also you shall enquire whether any person haue made rescous against the Lord, or any other officer, and present it. Rescous.

34 Rescous is when the Lord distraineth in the land holden of him for his rent, or seruices behind, or if the Lord come vpō the lands and would distreine, and the Tenant or some other will not suffer him, that is rescous. Also if the Lord distreine for seruice behind, or for damage fesaunt, and in driuing cattell to the pound, the beastes enter into the house of the owner, if in such case hee that distraineth doth pray deliuerance, and the possessor will not deliuer them, that is a Rescous, therefore you shall present it if Rescous haue bin made.

35 Also you shall enquire whether any person hath broken the Lordes pound, that is to Breach of pound.

haue

haue taken away a diſtreſſe put in, yea or no, and preſent it. You ſhall vnderſtand, that if the Lord doe diſtraine any Tenant for Rent, or ſeruice behind, hee may impound the ſame diſtreſſe in a Common pound if hee will, or in his owne ground, or in his neighbours if hee will, by the licence of his neighbour, and all thoſe places in which the Lord doth impound any Cattell, are called the Lordes pound, but alwayes when another doth impound any diſtreſſe in his owne pound, or in his neighbours, it behoueth him to giue notice to the other partie, for that if the diſtreſſe be quicke hee may giue it meate, and then if the Beaſt die for want of food, hee that was diſtreyned ſhall be at the loſſe, and then he that diſtreined before, may diſtraine againe for the ſame rent or duetie.

Whether anie Tenant hath let any farme fall to decay, viz. not maintained huſbandrie as before.

36 Alſo you ſhall enquire if any Tenant of this Lordſhip, hath let any Farme or houſe fall into decay, which at any time ſithence the firſt yeere of the raigne of King H. 7. hath bin let with twenty acres of land being in tilling pea or ns, and preſent it: for if they ſuffer their houſes to fall into decay, the Lord may take and diſtraine for halfe of the iſſues and profits of the ſame, and keepe them to his own vſe, vntill ſuch times as the houſes ſhalbe ſufficiently builded and repayred, that is to ſay, main-

maintained againe for husbandrie. This was by the Statute 4. H. 7. which is now repealed by 39. Eliz.

37 Also you shall inquire if any inhabitant of common, haue ouercharged the common or highwayes, or your common fieldes, by putting in more cattell then they ought to keepe, & whether any of them haue put their cattel in any their commons aforesaid, before the dayes agreed vpon, & present it, for the Lord or any Commoner as it seemeth may distraine the surplusage damage fesaunt, or else you may make among your selues orders & lawes for your own profit, that none shall do vpon paine of certain penalties &c. and by such lawes the inhabitants & commoners shall be bound &c. Whether any haue ouercharged the common.

38 Also you shall inquire if any person haue made any pits in the high waies: and whether any person doe commonly vse to breake hedges, and to suffer Hogges to go vnyoaked, or vnringed, to the annoyance of their neyghbours. Whether any pits be made in the high wayes, breaking of hedges. Hogges vnyoaked or vnringed.

39 Also you shall inquire whether any person hath strayned or stopped any wayes, water, ditches, pathes, or turned any of them into a wrong course, and present it. Stopping wayes, waters, &c.

40 Also if any haue encroched any land of the Lordes, that is to say, land, meadow, pasture, wood, heath, moore, or any other vacant Whether any haue encroched.

land

land without licence of the Lord, by setting of his hedge, pale, or otherwise, and presene the same.

41 Note that all the vacant and wast land within the Manour, is to the Lord of the Manour.

Whether any haue remoued any markes.

42 Also you shall inquire whether any person haue eyzed, plowed vp, or remoued away any Meere markes, balks, or limits betweene one piece of land and an other, and presene it.

Whether any haue stalked with bush or beast.

43 Also you shall inquire if any haue stalked with a bush or beast to kill Deere which is in the Lords Chase & Parke, & presene it.

Whether any haue or doe keepe away any euidences.

44 Also you shall inquire if any person hath or keepeth away any Euidences, Charters, or Court Rolles, Customary Terrars, or any other Euidences which concerne the Lordship, or any parcel therof, yea or no, and presene it.

Whether any haue fished, fowled, hawked.

45 Also you shall inquire if any person haue fished, fowled, hawked, or hunted in this lordship or Lords warren, and presene it.

Whether any haue taken any Fesants, &c.

46 Also you shall inquire if any person haue taken any Fesants, Partridges, with nett, snare, or other engine vpon the Freehold of the Lord of this Manour, and presene it.

Swannes or swannes egs.

47 Also you shal inquire if any person haue taken away the egges of the Lords Swannes out of their nests, and presene it.

48 Also you shall inquire if any land of the Lords

Lords be kept back, or occupied by any without the licence of the Lord: also what land it is, and how much land hath been so occupied, and of what value by the yeere the same is, and present it. Concealed land.

49 Also you shall inquire whether the Lord haue any Villaine within this Lordship, and what goods, cattels, and lands he hath, what estate he hath, that the Lord may seise thereupon: also what other things he hath: also if any Villaine carrie his goodes out of this Lordship without licence of the Lord: or if any freeman espouse a Neife without licence of the Lord, you shall present the same. Note if a Villaine purchase land, and doth alien the same to an other before the Lord enter, then the Lord after shall not enter: Otherwise it is if the Lord enter before the alienation of the villaine: The same law is of goodes, but the Lord may not seise the goods that the villaine hath as Executor. Whether the Lord haue a villaine within the Lordship.

50 Also you shall inquire if any trespasse be done in any of the Lordes liberties, viz. in his corne, grasse, meadowes, pasture, woods, hedges, waters, or pondes: Or if any take Hony, swarmes of Bees, or any Hawkes, or ayrie of Hawkes, or such like trespasse, and present them. Trespasse in the Corne, Grasse, &c.

51 Also you shall inquire if any land be inclosed,

For incloſing in ſeueralty grounds without licence of the Lord &c.

incloſed, & the ſame kept in ſeueraltie, which ought to lie open, without licence of the Lord and other freeholders, you ſhall preſent the ſame, for that no tenant of the Lordſhip ſhall loſe the Common in the ſame.

A Copiholder may not let longer then a yeere and a day.

52 Alſo if any Copyholder let his Copihold land for longer time then a yeere and a day without licence, except it be by cuſtome that he may let for longer time, and if he doe, it is a forfeiture, and preſent the ſame.

Whether any be outlawed.

53 Alſo you ſhall inquire whether any Tenant of this Lordſhip hath been outlawed in any action of Treſpaſſe, or other action, and preſent it: And whether the Lord be anſwered of his goodes and cattels, yea or no, and preſent the ſame.

Graunting greater eſtates &c.

54 Alſo you ſhall inquire whether any Tenant for yeeres, or life, haue granted any greater or larger eſtate then they had in their lāds or tenements, yea or no, and preſent it, for that is a forfeiture of their eſtate.

Whether the Bayliffe and other Officers doe execute their office.

55 Alſo you ſhall inquire if the Bayliffe, Headborough, Conſtable, and Hayward, and all other Officers haue well and truely executed their offices, yea or no, and preſent it.

Note, Headborough nor Conſtable be not to preſent in a Court Baron.

Whether the defaults and

56 To conclude, you ſhall inquire whether all the defaults and plaints that were preſen-

ted

ted at the last Court be sufficiently amended, plaints be amended.
yea or no, and whether all the orders & lawes heretofore made be obserued and kept, yea or no, and present it. And further, you shall enquire for all things which in your consciences you thinke ought to be searched and enquired of, and by the oathes that you haue taken you shall truely and diligently enquire of all the premisses, and plainely without concealing of any fault, bring in a true verdict in writing, subscribed with your owne hands, sealed with your seales, by such a houre, or as soone as you can.

It is needles but in case of felonie for to deliuer their verdict sealed, and then it must be indented, but it is conuenient to haue it in writing, written or subscribed by them, or one of them, but not necessarie: But to auoid the blame, ignomy or slander, the Steward might incurre, if they did after denie their doings.

57 And finally if you shall know any thing that ought to be presented to the Lordes aduantage, you shall doe vs to weet by the oath that you haue made, and bring vs in a true presentment. And now you may depart and enquire of your charge, hauing a regarde of your oathes.

Finis de le charge de
Court Baron.